



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/578,679	05/26/2000	Akihisa Yamazaki	0905-0236P-SP	9832

2292 7590 06/18/2003

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

SMITH, SHEILA B

ART UNIT	PAPER NUMBER
----------	--------------

2681

DATE MAILED: 06/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/578,679

Applicant(s)

YAMAZAKI, AKIHISA

Examiner

Sheila B. Smith

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 1-4, 6 and 7 is/are allowed.
- 6) ☐ Claim(s) 5, 8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Monroe et al. (U.S. Patent Number 6,181,954) in view of Kita (U.S. Patent Number 6,263,219).

Regarding claims 5 and 8, Monroe et al. discloses essentially all the claimed invention as set forth in the instant application, further Monroe et al. discloses a method and apparatus for image capture, compression and transmission of a visual image over telephonic or radio transmission system. In addition Monroe et al. discloses a image processing unit capable of data communication with mobile telephone (10) and of image output (12) and mobile telephone being capable of communication with a communication apparatus via a network, a data receiving unit for receiving data which has been transmitted from communication apparatus, as disclosed in column 4 line 1-23. However Monroe et al. fails to specifically disclose the use of a incoming-image alert generating unit for issuing an incoming call alert when data that has been received

In the same field of endeavor, Kita discloses a incoming calling system. Kita further discloses an incoming alert generating unit for issuing an incoming signal alert when data that has been received as disclosed in abstract and exhibited in figure 1.

Art Unit: 2681

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve Monroe et al. by modifying a method and apparatus for image capture, compression and transmission of a visual image over telephonic or radio transmission system with an incoming alert generating unit for issuing an incoming signal alert when data that has been received as taught by Kita for the purpose of advising the user of incoming information.

Allowable Subject Matter

1. Claims 1-4^{and 6-7} are allowed.
2. The following is an examiner's statement of reasons for allowance.

Regarding *claim 1 and 4, 6, 7*, The prior art of record considered alone or in combination neither anticipates nor renders obvious a method of a data communication system comprising a mobile telephone capable of communicating with a communication apparatus via a network and an image processing unit capable of data communication with mobile telephone and of image output where mobile telephone includes a first data receiving unit a data transmitting unit and a incoming-voice alert generating unit for issuing an incoming-call alert when data that has been received by first data receiving unit represents voice data, and image processing unit includes a second data receiving unit an incoming-image alert generating unit for generating an incoming-call alert when data the has been received by second data receiving unit represents image data.

Regarding *claim 2*, The prior art of record considered alone or in combination neither anticipates nor renders obvious a method of a mobile telephone capable of communicating with a communication apparatus via a network with and image processing unit that is capable of

Art Unit: 2681

outputting and image, comprising a data receiving unit, a data transmitting unit, and incoming-call alert generating unit for issuing a first incoming-call alert when data that has been received by data receiving unit represents voice data and a second incoming-call alert which is different from the first incoming-call alert.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

3. Applicant's arguments filed 3/31/03 have been fully considered but they are not persuasive.

Applicant arguments regarding Kita failing to teach the incoming alert generating unit for issuing an incoming call alert, the examiner contends that figure 27 incoming notification unit (249) reads on that limitation.

The examiner stands by and restates the above rejection.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

Art Unit: 2681

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheila B. Smith whose telephone number is (703)305-0104. The examiner can normally be reached on Monday-Thursday 6:00 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached on 703-305-4778. The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9314 for regular communications and (703)308-6296 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-9700.

S. Smith
June 10, 2003



NGUYENT.VO
PRIMARY EXAMINER

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
---------------------------------	-------------	---	---------------------

EXAMINER

ART UNIT

PAPER

7

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents